



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

October 13, 2004

SUBJECT: **2004-0723 – Advanced Micro Devices** [Applicant]
 Delaware Chip Llc [Owner]: Application on a 45.6-acre site
 located at **1090 East Duane Avenue** in an M-S (Industrial &
 Service) Zoning District. (APN: 205-22-021) KD:

Motion Parcel Map to split one lot into two lots.

REPORT IN BRIEF

Existing Site Two industrial buildings

Conditions

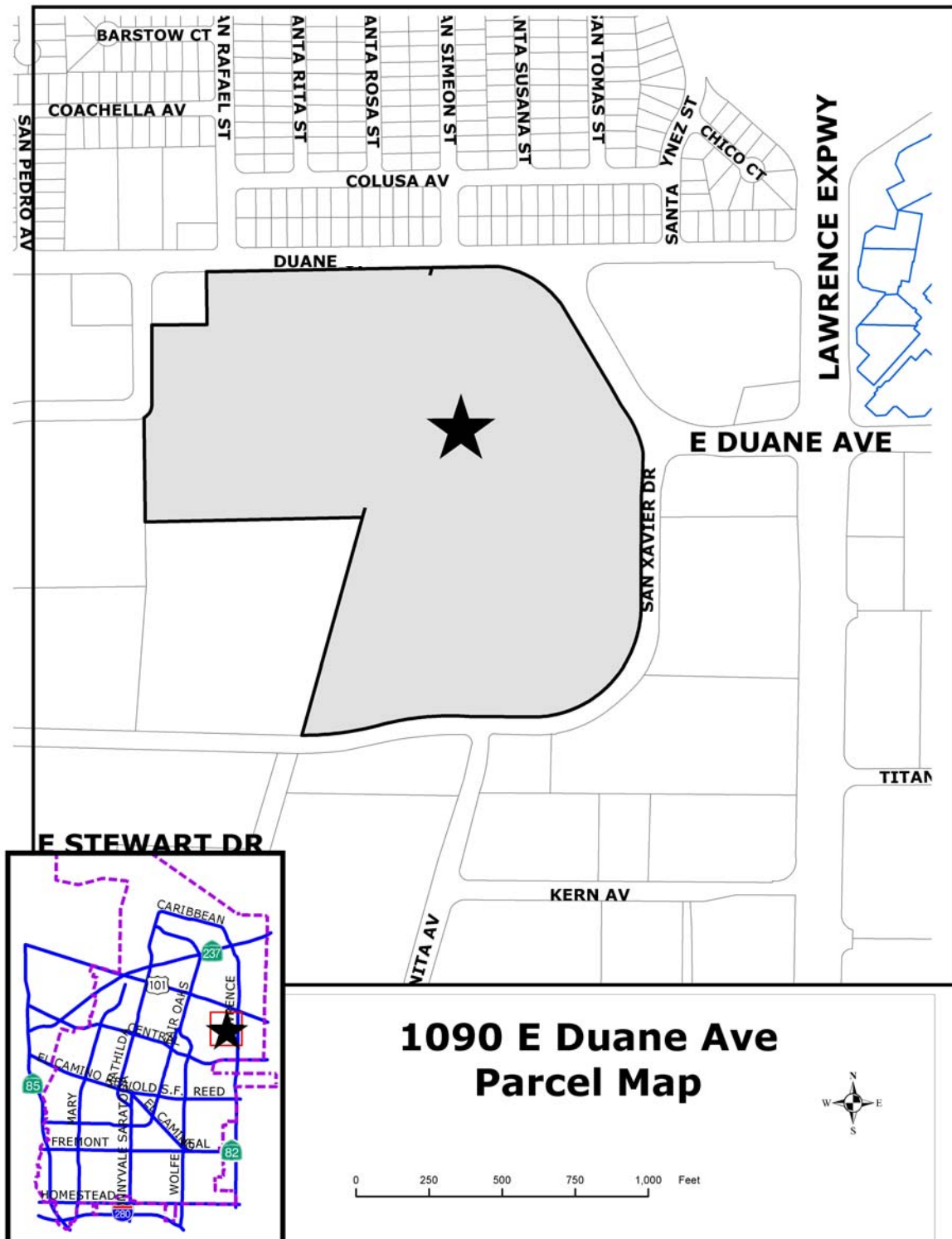
Surrounding Land Uses

North	Single Family Residential
South	General Industrial
East	General Industrial/Hotel
West	General Industrial

Issues Location of significant landscaping
 Access

Environmental A Class 15 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
 and City Guidelines.

Staff Approve with conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S and M-S/PD	Same	M-S and M- S/PD
Lot Size (acres)	45.62	Parcel 1: 32.43 Parcel 2: 13.19	22,500 sq. ft. min.
Gross Floor Area (s.f.)	296,000	Parcel 1: 296,000 Parcel 2: vacant	PER UP max.
Lot Coverage (%)	10.2%	Parcel 1: 14.5 %	max.
Floor Area Ratio (FAR)	14.7%	Parcel 1: 20.9%	35% max.
No. of Buildings On-Site	2	Parcel 1: 2	Per Use Permit
Building Height (ft.)	30.5	Same	75 max.
No. of Stories	2	2	5 max.
Setbacks of Existing Buildings on Proposed Parcel 1 (ft.) (facing prop.)			
• Front	210	Same	25 min.
• Left Side	140	Same	23 min.
• Right Side	330	Same	0 min.
• Rear	65	Same	0 min.
Landscaping (sq. ft.)			
• Total Landscaping	1,184,762	Parcel 1: 610,206 Parcel 2: 574,556	Parcel 1: 282,530 Parcel 2: 114,911
• Parking Lot Area Shading (%)	Unknown	Unknown	50% min. in 15 years
Parking			
• Total No. of Spaces	1,220	Parcel 1: 1,220 Parcel 2: None	Parcel 1: 592 min.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2000-0328	MPP - Revised landscape plan	Staff/Approve	6/7/00
1994-0026	MPP - New Commons Building	Staff/Approve	5/20/94
1992-0273	MPP - Revised landscaping and elevations for main building	Staff/Approve	11/25/92

Description of Proposed Project

The applicant proposes to split the existing 45.62 acre parcel into two parcels. The resulting development pattern would create a 13.2 acre vacant parcel and a 32.4 acre parcel containing two existing buildings and an associated parking lot. No new development is proposed for the new vacant parcel at this time.

Environmental Review

A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 15 Categorical Exemptions include minor land subdivisions in urban areas of 4 or less parcels.

Parcel Map

General: The purpose of this parcel map is to create two separate parcels so that Parcel 2 may eventually be sold. Any future development would need to conform to the current M-S Zoning District and Industrial General Plan designation, unless amended by the City Council.

The proposed lot line creates two dual-zoned lots: M-S and M-S/PD. Staff recommends that any future development or action on either site will automatically require a Rezone action to adjust the zoning districts to match the proposed property lines (Condition #15).

Staff notes that future development will be required to upgrade utilities, install street trees and make other public improvements as part of that approval.

Easements/Undergrounding: There are several easements on the property for a variety of purposes, including public utilities, building height, and data communication. Several public utility easements (P.U.E.) are proposed to be vacated as they are no longer necessary (see Attachment C, Parcel Map).

Landscaping: The proposed Parcel 2 is currently a windswept grassy field with significant perimeter trees along Duane Avenue and the eastern perimeter. The lot line is placed such that there is a 10 ft. landscape strip between the property line and the parking lot on Parcel 1. A majority of the trees on the northern edge of the parking lot would be located on the Parcel 2. Staff is concerned that the proposed lot line places these trees at risk. It is possible that Parcel 2 may redevelop, and depending on the development proposal, some trees may need to be removed. Staff recommends that the lot line be adjusted so that all significant trees on the northern side of the lot line are included in Parcel 1 (Condition #2).

Access: Parcel 1 currently has access from both Stewart Avenue and San Xavier Drive. The proposed Parcel 2 currently has no driveway access from either Duane Avenue or De Guigne Drive and no new access is proposed by this parcel map application. Future development will be discouraged from utilizing Duane Avenue for access and De Guigne Drive will be used as the primary access route. Future upgrades to the traffic signals at the intersection of De Guigne and Duane will be required of future development on Parcel 2 (Condition #14).

Right of Way: No dedication is required as a condition of approval along the street frontages. However, sidewalks must be installed along the De Guigne Drive frontage of Parcel 2 (Condition #9). Staff also notes that bike lanes are planned for Duane Avenue, which would preclude on-street parking.

Compliance with Development Standards

The proposed lots meet the minimum size requirements for the M-S Zoning District. In addition, all setbacks, landscaping and parking on Parcel 1 complies with Sunnyvale Municipal Code requirements.

Expected Impact on the Surroundings

The placement of the property line will have no impact on the surrounding properties. It creates the possibility that this lot may be developed in the future. At that time, a separate planning review will be required and individual impacts associated with the project will be considered.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Parcel Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 63 notices mailed to the adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve Parcel Map with recommended modifications and conditions.
2. Approve the Parcel Map with additional modifications and/or conditions.
3. Deny the Parcel Map.

Recommendation

Alternative 1.

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Steve Lynch
Associate Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Proposed Parcel Map
- D. Aerial Photo

Recommended Findings - Parcel Map

The subdivision, together with the provisions for its design and improvements, is not in conflict with the objectives, policies, general land uses and programs of the General Plan. The project meets objectives of the Zoning District. The project also meets the goals and policies of the General Plan, as enumerated above.

However, if the Administrative Hearing Officer finds any of the following findings, they must deny the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the above findings and recommends approval of the Parcel Map. The Parcel Map is in conformance with the Sunnyvale Municipal Code and is consistent with the General Plan in density and land use.

Recommended Conditions of Approval – Parcel Map

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

GENERAL

1. The Parcel Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The proposed lot line shall be adjusted such that all trees on the north side of the existing parking lot are located within Parcel 1.
3. Record a Final Map.
4. Provide a site plan showing the location and setbacks of the exiting buildings prior to Final Map.
5. Provide allowable square footage calculations (based on occupancy type, construction type, and setbacks) to justify the size of the buildings on the proposed lots prior to Final Map.
6. Provide plans to verify that utilities or site drainage will not cross the proposed property line.
7. Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the Final Map. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements. Quitclaim Deed is required for abandonment of private easements) No permanent structures are allowed within any of the easement limits.

SITE IMPROVEMENTS

8. If at the time of any future development
9. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers shall be designed, constructed and/or installed on De Guigne Drive in accordance with City standards prior to Final Map.
10. Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements.

11. The subdivider shall execute a Development Agreement and post surety bond(s) and/or cash deposit(s) for all proposed public improvements prior to map recordation. (SMC 18.20.250 and 18.20.260)
12. This project requires approval from other entities due to certain rights for computer data and telecommunication lines on Parcel 2.
13. All utility companies shall be contacted to establish appropriate easements to provide services to each lot/parcel prior to Final Map.

FUTURE DEVELOPMENT

14. Future development may be required to upgrade the traffic signal controller at Duane Avenue and De Guigne in order to effectively manage the site generated traffic signal
15. Future development will be required to submit a Rezoning application to bring the zoning districts into conformance with the proposed property lines.

